



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
MONTANA STATE OFFICE  
222 NORTH 32ND STREET  
P.O. BOX 36800  
BILLINGS, MONTANA 59107-6800

TAKE PRIDE IN AMERICA  
IN REPLY TO:  
MTM 22172  
SDR-922-91-16  
3165.3 (922.L)

June 4, 1991

CERTIFIED-RETURN RECEIPT REQUESTED

## DECISION

Mr. Greg S. Oblander )  
Montana Power Company ) SDR No. 922-91-16  
40 East Broadway )  
Butte, Montana 59701 )

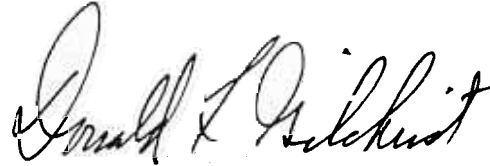
## DISMISSED - UNTIMELY FILED

On May 30, 1991, we received your letter dated May 28, 1991 (Attachment 1) which was in response to the drainage decision letter issued by the Lewistown District Office (LDO) on April 30, 1991 (Attachment 2). Even though the Montana Power Company (MPC) letter does not specifically request a State Director Review (SDR) of the LDO decision, this office is considering your letter as an SDR request as specified in the LDO letter in order to allow you the opportunity to appeal the LDO decision. The LDO decision required the MPC to pay compensatory royalty on gas drained by McCracken No. 1C-23 located in the NE1/4NW1/4 Section 23, T. 29 N., R. 2 W., Pondera County, Montana from Federal oil and gas lease No. MTM 22172.

The regulations at 43 CFR 3165.3(b) state that a request for an SDR, including all supporting documentation, shall be filed in writing with the appropriate State Director within 20 business days of the date such notice of violation or assessment or instruction, order, or decision was received or considered to have been received and shall be filed with the appropriate State Director. The MPC received the certified decision letter from the LDO on May 1, 1991 (Attachment 3), and this office received the MPC letter on May 30, 1991.

Because the SDR request was untimely received pursuant to 43 CFR 3165.3(b), we hereby dismiss the SDR filed by the MPC.

This Decision may be appealed to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR 4.400 and the enclosed Form 1842-1 (Attachment 4). If an appeal is taken, a Notice of Appeal must be filed in this office at the aforementioned address within 30 days from receipt of this Decision. A copy of the Notice of Appeal and of any statement of reasons, written arguments, or briefs must also be served on the Office of the Solicitor at the address shown on Form 1842-1. It is also requested that a copy of any statement of reasons, written arguments, or briefs be sent to this office. The appellant has the burden of showing that the decision appealed from is in error.



Donald L. Gilchrist  
Deputy State Director  
Division of Mineral Resources

4 Attachments

- 1-MPC letter dated May 28, 1991 (3 p)
- 2-LDO decision letter dated April 30, 1991 (2 pp)
- 3-Certified-Return Receipt (1 p)
- 4-Form 1842-1 (1 p)

cc: (w/attms.)  
DM, Lewistown